

February 11, 2025
The Honorable Chair Delegate Luke Clippinger
Chairman, House Judiciary Committee
100-101 Taylor House Office Building
Annapolis, Maryland 21401

RE: SUPPORT of House Bill 0556
(Criminal Law - Drug Paraphernalia for Administration - Decriminalization) - FAVORABLE

Dear Chair Clippinger and members of the House Judiciary Committee,

My name is Dave Fell and I am writing on behalf of the Behavioral Health Leadership Institute (BHLI) as to why we support House Bill 556 - Criminal Law - Drug Paraphernalia for Administration - Decriminalization. This bill will amend existing criminal law to remove certain items that could be used to consume drugs from what is considered "drug paraphernalia," effectively decriminalizing possession of those items. Our mission at BHLI is to provide low-barrier, harm reduction informed buprenorphine treatment (often referred to as the brand name Suboxone). We do this work in a mobile setting right outside the release doors of the Baltimore City jail. Our work is specifically tailored to reach the most vulnerable folks with opioid use disorder who are so often left to fall through the cracks of other programs. This is due to such things as having severe mental illness, being homeless, cycling in and out of the jail, or not having an ID or health insurance, among other reasons. We strive to defy expectations and deliver low-barrier health care access to those who need it most – those who are at the highest risk of fatal overdose.

I think that as a state legislature you all should be striving to defy expectations and deliver substantive victories for Maryland's most overlooked residents as well. As a state, we have already concluded that Syringe Service Programs are a benefit to public health and that access to clean, sterile syringes is understood as imperative. As a state (as well as Baltimore, as a city), we have already concluded that certain pharmaceutical companies and other health care corporations owe hundreds of millions of dollars to begin rectifying the untold damages of flooding the city of Baltimore and the state of Maryland with opioids, ultimately leading to the deaths of so many people who were just looking for relief from pain. So why are we still projecting stigma onto people who are really just crying out for help? People who were taken advantage of by mega corporations that were only out to make money off of peoples' pain. Why are we treating those who use drugs like horrible, irredeemable people? These are our most vulnerable residents, and the "tough love" approach of criminalization and incarceration has never and will never lead to positive physical or mental health outcomes for people who use drugs.

As a buprenorphine treatment clinic, we see people who are ready to begin their recovery journey, and with the assistance of buprenorphine (the gold standard of treatment for opioid use disorder) folks can start to turn their lives around. But not everyone survives long enough to reach this point. Many people die of an overdose before they can get the help they need because of stigmatizing, hateful, and racist "war on drugs" style laws, such as the criminalization of drug paraphernalia. In any given situation, a police officer can just decide something is an item of drug paraphernalia and use that as a way to further violate the privacy and civil rights of a person. I've heard of people getting arrested for merely possessing a plastic straw, since you could potentially snort drugs with it. This sets a dangerous precedent, one that can be easily abused.

Since BHLI's treatment van is located directly outside the Baltimore City jail, we are constantly connecting with people just released from incarceration. Treatment of this population is consistent with our mission to provide high quality, low-threshold treatment to the most vulnerable populations. Every day I hear stories about how getting arrested and being in jail negatively affected a person's recovery because they were suddenly cut off from their buprenorphine (which results in withdrawal symptoms akin to the worst flu you've ever had). The jail offers this medication, but in a very limited way, and not everyone who needs it can get it.

And because of this, every time a person is released they have to start over again from a point of desperation and can never reach the stability that they are seeking!

We owe it to the most vulnerable Marylanders to amend this criminal statute and remove many of the items from criminalized status. No one is helped, but many are hurt by the current state of this law. We ask that the House Judiciary Committee give HB 556 a favorable report.

For more information about our organization, or to ask follow up questions about this written testimony, please contact our Executive Director, Deborah Agus (deborahagus@bhli.org). Thank you for considering our viewpoints.

Signed,

Dave Fell & BHLI
bhli.org